

22912 U.S. PTO  
123103

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 31849.46  
First Inventor Cameron McPherson  
Title AUTOMATIC BONE MILL  
Express Mail Label No. EV333436803US

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10/24/03 16

123103

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 19]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. ☒ Oath or Declaration [Total Sheets 4]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certificate.....  
Checks for \$860.00 and \$40.00.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/184,444

Prior application information:

Examiner Mark Rosenbaum

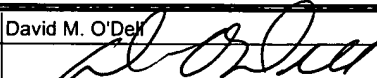
Art Unit: 3725

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 000027683 OR ☐ Correspondence address below

|         |                             |              |                  |
|---------|-----------------------------|--------------|------------------|
| Name    | David M. O'Dell             |              |                  |
| Address | Haynes and Boone, LLP       |              |                  |
|         | 901 Main Street, Suite 3100 |              |                  |
| City    | Dallas                      | State        | Texas            |
| Country | USA                         | Zip Code     | 75202            |
|         | Telephone                   | 972 739-8635 | Fax 214-200-0853 |

|                   |   |                                   |                   |
|-------------------|---|-----------------------------------|-------------------|
| Name (Print/Type) | David M. O'Dell   | Registration No. (Attorney/Agent) | 42,044            |
| Signature         |  | Date                              | December 31, 2003 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 900.00

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | CIP of 10/184,444 |
| Filing Date          | June 28, 2002     |
| First Named Inventor | Cameron McPherson |
| Examiner Name        |                   |
| Art Unit             |                   |
| Attorney Docket No.  | 31849.46          |

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 08-1394  
Deposit Account Name: Haynes and Boone, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid     |
|--------------|----------|--------------|----------|------------------------|--------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |              |
| 1001         | 770      | 2001         | 385      | Utility filing fee     | 770.00       |
| 1002         | 340      | 2002         | 170      | Design filing fee      |              |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |              |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |              |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |              |
| SUBTOTAL (1) |          |              |          |                        | (\$ ) 770.00 |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 25                 | -20** = 5    | 18.0           | 90.00    |
| Independent Claims | 3            | -3** = 0       |          |
| Multiple Dependent |              |                |          |

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid    |
|--------------|----------|--------------|----------|--|-------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |             |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |             |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |             |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |             |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |             |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |             |
| SUBTOTAL (2) |          |              |          |  | (\$ ) 90.00 |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) | 40.00    |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |


Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 40.00

## SUBMITTED BY

(Complete if applicable)

|                   |   |                  |        |           |                   |
|-------------------|---|------------------|--------|-----------|-------------------|
| Name (Print/Type) | David M. O'Dell   | Registration No. | 42,044 | Telephone | 972 739-8635      |
| Signature         |  | (Attorney/Agent) |        | Date      | December 31, 2003 |

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                          |   |                              |
|--------------------------|---|------------------------------|
| In re application of:    | § | Attorney Docket No. 31849.46 |
| McPherson et al          | § |                              |
|                          | § | Customer No. 27683           |
| Serial No. Unknown       | § |                              |
|                          | § | Group Art Unit: Unknown      |
| Filed: Herewith          | § |                              |
|                          | § | Examiner: Unknown            |
| For: AUTOMATIC BONE MILL | § |                              |

EXPRESS MAIL CERTIFICATE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Form and Fee Transmittal Form (in duplicate);
2. Patent Application consisting of 19 pages of specification, 25 claims and 1 page Abstract of Disclosure;
3. Eleven (11) drawing sheets;
4. Application Data Sheet;
5. Executed Power of Attorney;
6. Executed Declaration;
7. Executed Assignment, Recordation Form, and \$40.00 check for recordation fee;
8. Check in the amount of \$860.00 for the filing fee;
9. Express Mail Certificate; and
10. Return Postcard

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" via  
**Express Mail Number: EV333436803US** to the Commissioner for Patents, Box Patent Application,  
Alexandria, VA. 22313-1450, on the **31<sup>st</sup> day of December, 2003.**

Gayle Conner

Typed or Printed Name

  
Signature